

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
CHARLESTON DIVISION**

**IN RE: AQUEOUS FILM-FORMING
FOAMS PRODUCTS LIABILITY
LITIGATION**

MDL No. 2:18-mn-2873-RMG

This Document relates to:

*City of Stuart, FL, v. 3M Company et al.,
No. 2:18-cv-03487*

**DEFENDANT 3M'S DEPOSITION DESIGNATIONS:
REQUEST TO WITHDRAW DESIGNATIONS FOR WITNESSES DALE BACON AND
WILLIAM SPENCE, AND SUBMISSION OF DESIGNATIONS FOR WITNESSES
PAUL NICOLETTI AND MARK MILLER**

As the parties informed the Court on May 22, 2023 (Dkt 3155), the parties have continued to meet and confer to eliminate disputes with respect to deposition designations. With respect to the Plaintiff deposition designations, Defendant 3M has withdrawn all objections to the Plaintiff's deposition designations for 3M witnesses Dale Bacon, Jon Gerber, Brian Mader, Geary Olsen, and John Schuster. For 3M witness John Butenhoff, Defendant 3M has withdrawn all objections, with the exception of objections to testimony related to 3M's Motion in Limine 3c, PFAS outside the City of Stuart, and Federal Rules of Evidence 401 and 403. For witness Bacon, Defendant 3M has tailored its counter designations.

In this filing, Defendant 3M respectfully requests to withdraw its deposition designations from the *Nytaan* testimony for **witness Bacon (Dkt 3110-1; Dkt 3110-2)**.

For Stuart witnesses William Spence and Paul Nicoletti, Plaintiff advised Defendant 3M that the parties would each need to file their own affirmative designations, so these witnesses have deposition designation forms filed by both the Plaintiff and Defendants. With reference to the Plaintiff's deposition designations for Spence and Nicoletti, Defendant 3M has withdrawn all objections.

Last night, Plaintiff informed Defendant 3M that witness Spence will appear live. Based on that representation, 3M respectfully requests to withdraw its affirmative deposition designations for **witness Spence (Dkt 3085-2)**. In this filing, Defendant 3M also respectfully submits its tailored affirmative designations for **witness Nicoletti (Dkt 3085-1)**.

For witness Mark Miller, the parties have met and conferred and have withdrawn all objections. In this filing, Defendant 3M respectfully submits the attached deposition designations for **witness Miller (attached)**.

Finally, the parties have met and conferred concerning the designated deposition testimony from witnesses Dennis Kennedy and Anne Regina. In light of recent developments with the departure of defendants from the case, Defendant 3M objects to the playing of any designated deposition testimony from these witnesses.

Dated: May 26, 2023

Respectfully submitted,

s/Brian C. Duffy

Brian C. Duffy (Fed. ID No. 9491)

Duffy & Young LLC

96 Broad Street

Charleston, SC 29401

P: (843) 720-2044

F: (843) 720-2047

bduffy@duffyandyoung.com

Beth A. Wilkinson

Brian L. Stekloff

Wilkinson Stekloff LLP

2001 M Street NW, 10th Floor

Washington, DC 20036

P: (202) 847-4000

F: (202) 847-4005

Counsel for 3M Company